

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH, LLC,

Plaintiff,

v.

T-MOBILE US, INC. et al.

Defendant.

Civil Action No. 2:23-CV-00377-JRG-RSP

**DEFENDANTS T-MOBILE US, INC. AND T-MOBILE USA, INC.’S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO MOVE, ANSWER, OR OTHERWISE
RESPOND TO PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

Defendants T-Mobile US, Inc., and T-Mobile USA, Inc. (“Defendants”) without waiving any defenses described or referred to in Rule 12 of the Federal Rules of Civil Procedure, move the Court to extend the time in which Defendants are required to move, answer, or otherwise respond to Plaintiff Headwater Research, LLC’s (“Plaintiff”) Complaint for Patent Infringement and would respectfully show the Court as follows:

1. On August 21, 2023, Plaintiff filed its Complaint for Patent Infringement (“Complaint”) (Dkt. 1) against Defendants in this case (“the 377 case”) alleging infringement of United States Patent Nos. 8,589,451 and 9,215,615.

2. On August 23, 2023, Plaintiff filed its Complaint (Dkt. 1) against Defendants in *Headwater Research, LLC v. T-Mobile US, Inc., et al.*, Case No. 2:23-CV-00379-JRG-RSP (“the 379 case”) alleging infringement of United States Patent Nos. 8,924,543 and 9,198,042.

3. On September 5, 2023, Defendants filed their First Unopposed Applications for Extension of Time to Answer Complaint (Dkts. 18 & 19) in the 377 case and extended the time in which Defendants were required to move, answer, or otherwise respond to Plaintiff’s Complaint

up to and including October 29, 2023.

4. On September 5, 2023, Defendants filed their First Unopposed Applications for Extension of Time to Answer Complaint (Dkts. 18 & 19) in the *379 case* and extended the time in which Defendants were required to move, answer, or otherwise respond to Plaintiff's Complaint up to and including November 2, 2023.

5. In order to align the time within which Defendants are required to move, answer, or otherwise respond to Plaintiff's Complaint in the *377 case* with the time within which Defendants are required to move, answer, or otherwise respond to Plaintiff's Complaint in the *379 case*, counsel for Defendants met and conferred with counsel for Plaintiff to discuss a brief four-day extension to move, answer, or otherwise respond to Plaintiff's Complaint by November 2, 2023.

6. Counsel for Plaintiff indicated that Plaintiff is unopposed to a brief four-day extension for Defendants to move, answer, or otherwise respond to Plaintiff's Complaint by November 2, 2023.

7. Defendants' agreement with Plaintiff should not be construed as a waiver of any other rights or defenses, including, for instance, Defendants right to file counterclaims, affirmative defenses, or to otherwise challenge the validity of the subject patents.

WHEREFORE, Defendants respectfully request that the time within which they are required to move, answer, or otherwise respond to Plaintiff's Complaint be extended up to and including November 2, 2023.

Dated: September 6, 2023

Respectfully submitted,

/s/ Melissa R. Smith

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***Counsel for Defendants T-Mobile US, Inc.
and T-Mobile USA, Inc.***

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Defendants met and conferred with counsel for Plaintiff regarding the substance of this Motion. Counsel for Plaintiff indicated that Plaintiff is unopposed to the relief sought in this Motion.

/s/ Melissa R. Smith

Melissa R. Smith

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a true and correct copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 6, 2023.

/s/ Melissa R. Smith

Melissa R. Smith